

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION  
CRIMINAL MINUTES – SENTENCING HEARING**

Case No.: 7:97CR00024-007

Date: 12/5/2019

**Defendant:** Fahad T. Tawalbeh, custody

**Counsel:** Christine Lee, FPD

PRESENT:	JUDGE:	Michael F. Urbanski, CUSDJ
	TIME IN COURT:	1:06-2:08; 2:12-2:22 1h 12m
	Deputy Clerk:	Kristin Ayersman
	Court Reporter:	Mary Butenschoen
	U. S. Attorney:	Jennifer Bockhorst, Jonathan Jones
	USPO:	Andrew Ridgway, Kim Falatic
	Case Agent:	none
	Interpreter:	none

**LIST OF WITNESSES**

**GOVERNMENT:**

- 1.
- 2.
- 3.
- 4.

**DEFENDANT:**

1. Kimberly Falatic, USPO
2. Layth Tawalbeh
- 3.
- 4.

**PROCEEDINGS:**

- ☐ No Objections to Presentence Report.
- ☒ Court inquires as to Objection(s) to Presentence Report made by ☐ USA ☒ Deft. US responds. Dft clarifies objs for record.
- ☒ Court overrules all Objection(s). ☐ Court grants Objection(s).
- ☒ Government does not present evidence, relies on trial transcripts.
- ☒ Defendant presents evidence. USPO, sworn. No cross. Layth Tawalbeh, sworn. No cross.
- ☒ Argument.
- ☒ Court adopts Presentence Report. Guideline findings made.
- ☐ Court accepts Plea Agreement.
- ☒ Government Motion for upward variance.
- ☐ Court grants. ☒ Court denies.
- ☐ Defendant Motion for Downward Departure/Variance.
- ☐ Court grants. ☐ Court denies.
- ☐ Allocutions.

**SENTENCE IMPOSED AS FOLLOWS:**

CBOP: Ct 9 – 5 yrs to run consecutive to Ct 10; Ct 10 – remainder of time served. Total term of time served.

PROB: \_\_\_\_\_

SR: 3 years on each of Cts 9, 10 – all such terms to run concurrently - comply w/Standard, Mandatory & Special Conditions.

☒ Mandatory drug testing suspended.

SA: \$100.00 due immediately – reimposed and paid in full as of 1/19/01

FINE: \$\_\_\_\_\_

REST: \$39,832.24 – J/S – reimposed and paid in full as of 8/2/10

☐ Court recommends as follows:

- ☐ That Defendant receive appropriate drug treatment and/or mental health treatment while imprisoned.
- ☐ That Defendant be designated to \_\_\_\_\_.

MANDATORY CONDITION OF SUPERVISION:

- ☒ Upon release from imprisonment, the defendant shall be delivered to an authorized immigration official for deportation proceedings and shall remain outside of the United States. Should deportation not occur, the defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the BOP or any authorized immigration official.

SPECIAL CONDITIONS OF SUPERVISION (Check applicable conditions):

- ☐ The defendant shall participate in a program of testing and treatment for substance abuse, as approved by the probation officer, until such time as the defendant has satisfied all requirements of the program.
- ☐ The defendant shall participate in a program of mental health treatment, as approved by the probation officer, until such time as the defendant has satisfied all requirements of the program.
- ☒ The defendant shall reside in a residence free of firearms, ammunition, destructive devices and dangerous weapons.
- ☐ The defendant shall submit to warrantless search and seizure of person and property as directed by the probation officer, to determine whether the defendant is in possession of firearms and illegal controlled substances.
- ☐ The defendant must submit to warrantless search and seizure of person and property by the probation officer or other law enforcement officer, whenever such officer has reasonable suspicion that the defendant is engaged in criminal activity.
- ☐ Following release from imprisonment, the court will evaluate defendant's status and determine whether, after incarceration, drug rehabilitation is necessary and appropriate. If additional rehabilitation is deemed appropriate, the defendant shall participate in a program as designated by the court, upon consultation with the probation officer, until such time as the defendant has satisfied all the requirements of the program.
- ☐ The defendant shall pay any fine, special assessment or restitution that is imposed by this judgment.
- ☐ The defendant shall not incur new credit charges or open additional lines of credit without the approval of the supervising officer.
- ☐ The defendant shall not purchase, possess, use or administer any alcohol, or frequent any businesses whose primary function is to serve alcoholic beverages.
- ☐ The defendant shall provide the probation officer with access to any requested financial information.
- ☐ The defendant shall be prohibited from engaging in certain banking activities pursuant to 12 U.S.C. § 1829(a).
- ☐ The defendant shall perform \_\_\_\_ hours of community service to be worked out with and approved by the supervising officer.
- ☐ The defendant shall participate in the Home Confinement Program under home detention for a period of \_\_\_\_ months and shall abide by all program requirements. The defendant is restricted to his/her residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; or other activities pre-approved by the probation officer.
- ☐ While under home detention, the defendant shall submit to electronic monitoring and shall pay the costs of the electronic monitoring service.
- ☐ Within \_\_\_\_ days of release on probation/supervised release, the defendant shall register with the VA Dept. of State Police, Sex Offender Registry. The defendant shall also notify this agency within 30 days of any change of residence.
- ☒ The defendant shall submit his person, property, house, residence, vehicle, papers, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that the defendant has violated a condition of his or her supervision and that the areas to be searched contain evidence of this violation.

PAYMENT SCHEDULE:

- ☐ A lump sum payment of \$\_\_\_\_\_ is due immediately, and during the term of imprisonment, payment in equal (weekly, monthly, quarterly) installments of \$\_\_\_\_\_ or \_\_\_\_% of the defendant's income, whichever is Choose an item., to commence \_\_\_\_ days after the date of this judgment; and payment in equal (weekly, monthly, quarterly) installments of \$\_\_\_\_\_ during the term of supervised release, to commence \_\_\_\_ days after release from imprisonment.

ADDITIONAL RULINGS:

- ☐ Defendant shall forfeit his interest in the property listed in the Order of Forfeiture entered on (Date).
- ☐ Order of Forfeiture shall be made a part of the judgment in this case.
- ☐ Defendant shall be ineligible for all federal benefits for mos., yrs., permanently from the date of judgment.
- ☐ Count(s) \_\_\_\_\_ dismissed on Government Motion.
- ☒ Defendant advised of right to appeal.
- ☒ Defendant remanded to custody.
- ☐ Defendant to remain on bond and self report:
  - ☐ to the U. S. Marshal no later than (time) on (date).
  - ☐ to the institution designated by the Bureau of Prisons as directed by the U. S. Marshal.
  - ☐ to the institution designated by the Bureau of Prisons as directed by the U. S. Probation Office.

Additional Information: